

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION

CONNIE DAILEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:19-cv-282
)	
HSHS MEDICAL GROUP, INC.,)	
)	
Defendant.)	

DEFENDANT'S NOTICE OF REMOVAL

Defendant, HSHS Medical Group, Inc. ("Defendant"), hereby removes the above-referenced lawsuit filed by Plaintiff Connie Dailey ("Plaintiff") in the Twentieth Judicial Circuit of Illinois, St. Clair County. For its Notice of Removal, Defendant states as follows:

1. Plaintiff filed a civil action against Defendant on February 1, 2019 in the Twentieth Judicial Circuit of Illinois, St. Clair County ("Plaintiff's State Action"). In her Complaint, Plaintiff alleges Defendant violated her rights under the Family Medical Leave Act 29 U.S.C. §§ 2614, *et. seq.*; Title I of the American with Disabilities Act of 1990, 42 U.S.C. §§ 12101, *et. seq.*; and Illinois Human Rights Act, 775 ILCS 5/1-101 *et. seq.* for its alleged unlawful employment practices on the basis of disability.
2. No previous application has been made for the relief requested herein.
3. The above-described action is one in which the Court has original jurisdiction under the provision of 28 U.S.C. § 1331 and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441, because of federal question jurisdiction. Namely, the claim is a civil action arising under the laws of the United States in that the Complaint alleges that Defendant violated the Family Medical Leave Act, 29 U.S.C. §§ 2614, *et. seq.* and Title I of the

American with Disabilities Act of 1990, 42 U.S.C. §§ 12101, *et. seq.*, which is an Act of Congress regulating commerce.

4. The above-described action also alleges Defendant violated Illinois state law under Illinois Human Rights Act, 775 ILCS 5/1-101 *et. seq.* This claim is so related to Plaintiff's federal claims regarding Title I of the American with Disabilities Act of 1990, 42 U.S.C. §§ 12101, *et. seq.*, that they form part of the same case or controversy; therefore, this Court may exercise supplemental jurisdiction over Plaintiff's state law claim pursuant to 28 U.S.C. § 1367.

5. Defendant first received a courtesy copy of Plaintiff's Complaint on February 6, 2019. Defendant has timely filed this Notice of Removal pursuant to 28 U.S.C. §1446(b), in that it is filed within thirty (30) days of the date Defendant received a copy of the Complaint. As of the date of filing of this Notice of Removal, Defendant doesn't believe that it has been *formally* served with a copy of the Summons and Complaint.

6. A copy of Plaintiff's Complaint, along with all other documents filed in connection with this matter to date, are attached hereto as **Exhibit A** and constitute the complete legal file.

7. Twentieth Judicial Circuit of St. Clair County is within the jurisdiction of the United States District Court for the Southern District of Illinois – East St. Louis Division. Defendant desires to remove this action to this Court as provided by applicable law.

8. Because federal question jurisdiction exists under 28 U.S.C. § 1331, this case is within the original jurisdiction of this Court is subject to removal under 28 U.S.C. § 1441(a).

9. Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff, without conceding that Plaintiff has pleaded claims upon which relief can be granted, and without admitting that Plaintiff is entitled to any monetary or equitable relief whatsoever.

10. This Notice of Removal is accompanied by written Notice to Plaintiff (**Exhibit B**), and written Notice to Clerk of Removal (**Exhibit C**) filed with the St. Clair County Clerk on this date, all as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant HSHS Medical Group, provides Notice of Removal of the above-styled action pending in the Twentieth Judicial Circuit Court to the United States District Court for the Southern District of Illinois.

Respectfully submitted,

HALL, RENDER, KILLIAN HEATH
& LYMAN, P.C.

/s/ Dana E. Stutzman
Dana E. Stutzman, #6328254
500 N. Meridian Street, Suite 400
Indianapolis, IN 46204
Telephone: (317) 633-4884
Facsimile: (317) 633-4878
DStutzman@hallrender.com

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that I have on this 8th day of March, 2019, served a copy of *Defendant's Notice of Removal* via U.S. Mail upon the following counsel of record:

Michael J. Brunton
Mary M. Stewart
819 Vandalia (HWY 159)
Collinsville, IL 62234

/s/ Dana E. Stutzman

HALL, RENDER, KILLIAN HEATH & LYMAN, P.C.
500 N. Meridian Street, Suite 400
Indianapolis, IN 46204
Telephone: (317) 633-4884
Facsimile: (317) 633-4878